

FILED  
UNITED STATES DISTRICT COURT  
DISTRICT OF NEW MEXICO

Fredrick R. Baca

plaintiff

2022 FEB -3 AM 10:21

CLERK-ALBUQUERQUE

V.

22cv82 KG/JHR

Michelle Lujan Grisham, et al.,  
Defendants

### Jurisdiction

Fredrick R. Baca, is a citizen of New Mexico who presently resides at S.N.M.C.F /P.O.U/ B-425 P.O. Box 439 Las Cruces, New Mexico 88004-0639

Defendant Michelle Lujan Grisham is a citizen of New Mexico, and is employed as The Governor of New Mexico. At the time the claim(s) alleged in this complaint arose, the Defendant was in fact acting under color of state law. She is The Governor of New Mexico for this state.

Jurisdiction is invoked pursuant to 28 U.S.C 1343(3), 42 U.S.C. 1983,

### Nature of the case

On or about January 25, 2022 the plaintiff was in fact an inmate at Paul Oliver Unit at Southern New Mexico Correctional facility in Las Cruces, New Mexico which at the time has underlying conditions (diabetes) and is in a lock down situation in fear for his life due to the fact that an individual or individuals have tested positive for COVID 19.

The plaintiff at this time is not been vaccinated and there is no nurse staff currently at P.O.U. There are several contributing factors. (1) Inmates live in a dorm setting in which there is no way to

practice social distancing. ① Staff members I believe are not being medically screened or tested before they begin their shift. ② Our hygiene supply is being limited. ③ NMCD is not working with Governor Michelle Lujan Grisham Executive order to identify individuals eligible for early release. ④ NMCD medical staff is not continually identifying individuals with underlying medical conditions. ⑤ Transfers from other prisons are still happening. ⑥ Outside work details are still active. ⑦ Probation and parole are no longer exploring new ways of offender supervision. ⑧ Necessities including medical services, behavioral health services, recreations have been affected and have come to a halt or stand by as said by Staff at P.O.U. ⑨ The NMCD at SMMC/PDU are not implementing medical separation instead leaving possibly sick individuals amongst the rest of the population who are not symptomatic or are vaccinated or unvaccinated. They are not taking precautionary measures.

⑩ They are not testing as often as they should be. Especially because inmates at P.O.U are in a promitory setting not able to practice safety and health reasons. If the plaintiff had filed for an early release on October 20, 2020 at which time the 9th Judicial District Court Judge ruled that my motion was untimely. I believe this to be unconstitutional denying each of us liberty and the pursuit of happiness. Also the mandatory parole is unconstitutional as well and should be looked at. Due to the fact that time has been served for sentence for the crime committed. An individual ends up doing more time than was supposed to. Which to me is unconstitutional and violates rights and rules of sentencing. It makes it an illegal sentence. Especially after time has been served.

I allege that this is cruel and unusual punishment due to the facts stated herein and the fact that we are being denied medical attention, and only at their convenience. Also there was an incident involving P.R.E.A. complaints in which I myself and others made complaints about how we were searched and were violated by staff here at the P.O.V. where we were being searched in a manner that violates an individual in a manner causing mental anguish and P.T.S.D. I am asking this respected court to look into this.

I believe that I am entitled to the following relief. That these issues be looked into further and made right. Also that the parole department be looked into to getting people released on time and with no trouble. Also that the mandatory parole be looked into as being unconstitutional and that the P.R.E.A. investigation be looked into further and possibly money be sought as relief for counselling and for causing mental anguish. Also that the conditions here at S.N.M.C.F./POV be looked into further. I swear that this is true to the best of my knowledge.

Respectfully

Fredrick R. Buca  
Fredrick R. Buca.

Frederick Bacc #87549  
S.N.M.C.F. / P.O. 0 / B 425  
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FEB 03 2022

MITCHELL R. ELFFERS  
CLERK

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